

SENATE BILL REPORT

HB 1295

As of March 16, 2009

Title: An act relating to annexing areas used for agricultural fairs.

Brief Description: Annexing areas used for agricultural fairs.

Sponsors: Representatives Warnick and Upthegrove.

Brief History: Passed House: 2/23/09, 92-0.

Committee Activity: Agriculture & Rural Economic Development: 3/17/09.

SENATE COMMITTEE ON AGRICULTURE & RURAL ECONOMIC DEVELOPMENT

Staff: Sam Thompson (786-7413)

Background: Depending upon their legal status, municipalities may annex territory under a variety of methods, including:

- resolution/election – involving approval of a municipal resolution by voters residing in an area proposed to be annexed;
- petition/election – involving initiatives petitioned and approved by voters residing in an area proposed to be annexed;
- direct petition – involving direct petitions by property owners or voters in an area proposed to be annexed, and approved by the municipal legislative body with no further voter approval required;
- resolution only – including annexations for certain municipal purposes approved by resolution by the municipal legislative body, or other actions requiring no further voter or property owner approval; and
- ordinance only – involving annexations adopted by ordinance if certain requirements, including negotiation of interlocal agreements between participating jurisdictions, are satisfied.

Property owned by a county and used for an agricultural fair is not subject to annexation by municipalities without the consent of a majority of the board of county commissioners.

Summary of Bill: An exclusive method for annexation by a municipality of county-owned territory used for an agricultural fair is established.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The legislative body of a municipality proposing annexation of county-owned fairgrounds must submit a request for annexation and a legal description to the county legislative authority. Upon receipt, the county legislative authority has 30 days to review the proposal and determine if annexation proceedings will continue. It may modify the proposal, but may not add territory that was not included in the request and legal description. Its approval is a condition precedent to further proceedings, and there is no appeal of its decision.

If the county legislative authority determines that proceedings may continue, it must satisfy public notice and hearing requirements. If, following conclusion of the hearing, a majority of the county legislative authority deems the proposal to be in the county's best interest, it may adopt a resolution approving annexation. The municipal legislative body must then effect the annexation by ordinance. The ordinance must include all territory approved for annexation in the county resolution. The territory becomes a part of the municipality upon the date fixed in the ordinance.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.